

ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
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Dated: February 13, 2015

Total Number of Pages:

MEMO ENDORSED:

DENIED. A request made on the day of the deadline is totally inappropriate and untimely. The SJ motion or PTO remains due 2/27/15 as previously scheduled, unless a settlement is reached before then.

Copies **by ECF** to: All Counsel
Judge Oetken



U.S. DC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 2/13/15

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February 13, 2015

MEMO ENDORSED 2/13/15

BY ECF

Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Alexis Soto v. Felix Ortiz
14 Civ. 5404 (JPO)(AJP)

DENIED. A request made on the day of the deadline is totally inappropriate and untimely. The situation of PTO remains due 2/27/15 as previously scheduled, unless a settlement is reached before then.

SO ORDERED:

Andrew J. Peck
Hon. Andrew Jay Peck
United States Magistrate Judge

Your Honor:

I am an Assistant Corporation Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, assigned to represent Defendant Felix Ortiz in the above-referenced matter. The parties write jointly to respectfully request a thirty (30) day extension of fact discovery from today until March 16, 2015. The parties apologize to the Court for the untimeliness of this request but it is necessitated by the circumstances set forth below.

By way of background, plaintiff brings the instant action alleging false arrest and malicious prosecution from his arrest on July 20, 2011 for criminal sale of a controlled substance to a non-party. The non-party was arrested with plaintiff and was found to be in possession of heroin. Plaintiff spent approximately thirty six (36) hours in custody prior to arraignment. Plaintiff was arraigned and bail was set. Plaintiff claims he remained in custody for a total of six (6) days. Subsequently, the charges against plaintiff were dismissed on February 9, 2012.

For the past month, the parties have been engaged in settlement discussions. Most recently, defendant offered to "split the difference" between the parties' previous offers with the hopes of bridging the settlement gap and reaching an agreement. Our last offer was made to plaintiff's counsel on or about Monday of this week. Although counsel has been in daily contact with each other, upon information and belief, plaintiff's counsel has been unable to reach his client to confirm whether an agreement can be reached.

BY ECF

A thirty day (30) day extension of time will afford the parties the opportunity to continue our settlement discussions and hopefully reach an agreement. In the event that plaintiff rejects defendant's last offer, this extension of time is needed to complete fact discovery, including plaintiff's deposition. This is defendant's first request for an extension of the fact discovery deadline.

Thank you for your consideration herein.

Respectfully submitted,

/s/
Ariel Lichterman
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Darius Wadia, Esq. (by ECF)
Attorney for Plaintiff